IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

TUESDAY, THE 3RD APRIL, 2007 / 13TH CHAITHRA, 1930

WP(C).No. 11622 of 2007(H)

PETITIONERS:

---

1. P.YOUNUS SALIM, S/O.PANAKADAN YOUSUF, THACHAMPARA, MANNARKKAD TALUK, PALAKKAD DISTRICT.

2. P.MUBASHEERA, D/O.PULAYAKALATHIL HAMSA, KARKIDAMKUNNU P.O., MANNARKKAD TALUK, PALAKKAD DISTRICT.

3. P.RASHEED, S/O.HAMSA, POTTASSERRY HOUSE, 11 VILLAGE, P.O.TRIKKALUR, MANNARKKAD TALUK PALAKKAD DISTRICT REP. BY POWER OF ATTORNEY HOLDER SHAMSUDEEN, S/O.KADERKUTTY, KOTTASERY-2 VILLAGE THRIKKALUR, MANARKKAD TALUK, PALAKKAD DISTRICT.

BY ADV. SRI.P.M.POULOSE

RESPONDENTS:

---

1. DISTRICT COLLECTOR, MALAPPURAM.

2. R.D.O., PERINTHALMANNA.

3. TAHSILDAR, NILAMBUR.

4. VILLAGE OFFICER, CHOKAD, MALAPPURAM.

BY GOVT. PLEADER SRI.I.V.PRAMOD.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 03/04/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

S. SIRI JAGAN, J.

WP(C) NO. 11622 OF 2007 H

Dated this the 3rd day of April, 2007

J U D G M E N T

The petitioners claim to be in possession of certain lands which according to them is absolutely theirs. On the basis of Ext.P8 report, they challenge the apprehended action on the part of the respondents in evicting the petitioners. The petitioners submit that they have been directed not to enter the property and tap the rubber trees. The petitioners' apprehension is based on Ext.P8 news item in a newspaper. In the above circumstances, the petitioners have approached this Court with the following reliefs:-

> "i. issue a writ of certiorari or any other appropriate writ, order or direction quashing the alleged finding out of 17.54 Acres of land as reported in Ext.P8 news item;
>
> ii. issue a writ of mandamus or any other appropriate writ, order or direction declaring that the alleged finding out of 17.54 Acres as reported in Ext.P8 news item is without any basis and accordingly unsustainable;
>
> iii.issue any other writ, order or direction that this Hon'ble Court may deem fit and proper in the circumstances of the case;
>
> and
>
> iv) to award costs of this writ petition to the petitioner;"

2. I cannot take cognizance of a press report to grant reliefs to the petitioners. If the petitioners have got a contention that the land is not a Government land and the Government Officials are interfering with their rights in the property, the remedy of the petitioners lies in filing a suit as saved under Section 20 of the Land Conservancy Act, especially since, to grant reliefs to the petitioners, ascertainment of facts on evidence would be necessary, which ordinarily cannot be done in proceedings under Article 226 of the Constitution of India.

Therefore, without prejudice to such rights of the petitioners to seek that remedy, this writ petition is dismissed.

Sd/-
S. SIRI JAGAN,
Judge

Mbs/

-true copy-

P.A.to Judge.

S.SIRI JAGAN, J

W.P.(C) NO. OF 2001

J U D G M E N T

DATED:13-02-2007